

# UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 27, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs. Finley, Leland James Docket No. 0980 1:19CR02055-SMJ-1

## Petition for Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Leland James Finley, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke, sitting in the court at Yakima, Washington, on the 21st day of February 2020, under the following conditions:

**Special Condition #7:** Defendant shall obtain a portable Breathalyzer and be subject to testing up to six times per day. Defendant is responsible for the cost of the device.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #1:** Mr. Finley is alleged being in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer testing as required on May 23, 2021, between 12 p.m. and 2 p.m.

Conditions of pretrial release were reviewed and signed by Mr. Finley on February 24, 2020, acknowledging an understanding of his pretrial release conditions including special condition number 7.

On May 23, 2021, this officer received a report via email from Smart Start, the portable Breathalyzer testing program Mr. Finley is under, reflecting he skipped his required random test on May 23, 2021, between 12 p.m. and 2 p.m. He submitted a test 1 hour and 30 minutes later at 3:30 p.m., which to his credit, was negative. On May 24, 2021, this officer made contact with Mr. Finley via text message asking why he missed his Breathalyzer test on May 23, 2021. Mr. Finley texted this officer the following: "I made it up at 3:30 p.m. I slept through it, I'm not feeling well." This officer confirmed with Mr. Finley he did make it up; however, it was an hour and 30 minutes late. Mr. Finley responded stating "I could have skipped it completely and not did it, but I made it up." This officer asked Mr. Finley if he was going to go see a doctor. Mr. Finley stated "no I am not going to a doctor, can't get through for appointments, I don't need them." Per the Smart Start portable Breathalyzer reports, Mr. Finley submitted a test on May 23, 2021, at 5:03 a.m. and did not submit another test until 3:30 p.m. leaving 10 hours and 30 minutes between tests.

PRAYING THAT THE COURT WILL ORDER A SUMMONS AT THIS TIME

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I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: May 24, 2021

by s/Linda J. Leavitt

Linda J. Leavitt  
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

 

Signature of Judicial Officer

5/27/2021

Date